

ORDER REQUIRING THE FMC CORPORATION, INORGANIC
CHEMICALS DIVISION TO CEASE AND DESIST FROM
DISCHARGING WASTES CONTRARY TO REQUIREMENTS
PRESCRIBED BY THE CALIFORNIA REGIONAL WATER
QUALITY CONTROL BOARD, SAN FRANCISCO BAY REGION

ORDER NO. 72-53

The California Regional Water Quality Control Board, San Francisco Bay Region finds:

A. On November 25, 1969, this Regional Board adopted Resolution No. 69-63 prescribing discharge requirements covering the discharge of FMC Corporation, Inorganic Chemicals Division from its plant near Newark, California, into Plummer Creek.

B. The discharge requirements provide, in part, as follows:

" . . . The discharge of the waste shall not cause: . . .

2. Unsightliness, odors, nor damage to any of the protected beneficial water uses resulting from: . . .

Floating, suspended, or deposited macroscopic particulate matter, foam, oil, or grease in waters of the State at any place; floating oil shall be considered present if in enough quantity to cause iridescence. . . .

. . . . The waste discharged shall meet these quality limits at all times at the point where the waste crosses the discharger's property line.

1. In any grab sample:

Settleable matter

The arithmetic average of any
six or more samples collected
on any day

0.5 ml/l/hr., maximum

80% of all individual samples
collected during maximum daily
flow over any 30-day period

0.4 ml/l/hr., maximum

Any sample

1.0 ml/l/hr., maximum"

C. Inspection by Board staff and discharger has indicated that the discharger is not complying with requirements on floating particulate matter in the receiving waters and on effluent settleable matter.

- D. By letter dated July 21, 1972, the Regional Board notified the discharger of the violation of requirements and requested a time schedule for action to correct the violations.
- E. On August 10, 1972, at 9:30 A.M. in the Contra Costa County Water District's office, 2700 Concord Avenue, Concord, California, after due notice to the discharger, and all other affected persons, the Regional Board conducted a public hearing at which the discharger appeared and evidence was received concerning the discharge.
- F. The discharger is violating the requirements listed in B. above.

IT IS HEREBY ORDERED THAT:

- A. The FMC Corporation, Inorganic Chemicals Division cease and desist from discharging wastes contrary to requirements listed in B. above.
- B. The FMC Corporation, Inorganic Chemicals Division is required to continue the interim corrective measures it has placed in effect, and to file with this Board, by September 15, 1972, under penalty of perjury, a report on additional interim corrective measures that may be feasible, on the implementation of such additional methods, and a detailed time schedule for permanent corrective facilities able to comply reliably with the waste discharge requirements. That schedule shall include dates for completing these steps:

- Complete studies into means of compliance
- Complete design
- Start of construction
- 50% completion of construction
- Completion of construction
- Compliance with requirements

- C. If, in the opinion of the Executive Officer, the FMC Corporation, Inorganic Chemicals Division fails to comply with the provisions of this order, the Executive Officer is directed to request the Attorney General to take the appropriate enforcement action against the discharger, including injunction and civil monetary remedies, if appropriate.

I, Fred H. Dierker, Executive Officer of the California Regional Water Quality Control Board, San Francisco Bay Region, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the Regional Board at a meeting held on August 10, 1972.

Executive Officer